

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:	:	
	:	
GUILLERMO ALEJANDRO GUEVARA:	:	Case No. 22-11458-KHK
	:	Chapter 7
	:	
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GUILLERMO ALEJANDRO GUEVARA:	:	AP No. _____
Plaintiff	:	
	:	
v.	:	COMPLAINT TO
	:	DETERMINE
U.S. DEPARTMENT OF EDUCATION	:	DISCHARGEABILITY
	:	OF STUDENT LOAN
SERVE: Lisa Brown	:	DEBT UNDER
General Counsel	:	11 U.S.C. SECTION 523(a)(8)
US Dept. of Education	:	
400 Maryland Ave., SW	:	
Washington DC 20202	:	
	:	
United States Attorney	:	
Eastern District of Virginia	:	
2100 Jamieson Ave.,	:	
Alexandria, VA 22314	:	
	:	
U.S. Attorney General	:	
10th St. & Constitution Ave.	:	
NW, Room 6313	:	
Washington DC20530	:	
	:	
And	:	
	:	
GREAT LAKES EDUCATIONAL LOAN:	:	
SERVICES, INC.	:	
	:	
SERVE: Ct. Corporation System	:	
4701 Cox Road, Ste. 285	:	
Glen Allen, VA 23060-6808	:	
	:	
Defendants	:	
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**COMPLAINT TO DETERMINE DISCHARGEABILITY OF
STUDENT LOANS**

JURISDICTION

1. This United States District Court for the Eastern District of Virginia has jurisdiction over this action pursuant to 28 U.S.C. Section 1334 because Plaintiff's Dischargeability Complaint arises under Title 11.

2. The United States Bankruptcy Court for the Eastern District of Virginia has jurisdiction over this action pursuant to 28 U.S.C. Section 157 and Rule 7001 of the Federal Rules of Bankruptcy Procedure, in that it arises under plaintiff's bankruptcy case number 22-11458-KHK filed under Chapter 7 of Title 11 in this United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division.

3. Plaintiff's Dischargeability Complaint is a core proceeding under 28 U.S.C. Section 157(b)(2), and plaintiff consents to the entry of final orders and judgment by the Bankruptcy Judge in this Alexandria Division.

4. Venue is proper in this District because plaintiff resides in Clifton, Virginia in this district and filed his bankruptcy in this Alexandria Division.

5. The relief requested in the Complaint is predicated upon Section 523(a)(8) of the Bankruptcy Code, 11 U.S.C. Section 523(a)(8) and Rule 7001 of the Federal Rules of Bankruptcy Procedure.

PARTIES

6. Guillermo Alejandro Guevara ("Plaintiff") is an individual living in Clifton, Virginia. Plaintiff's educational debts to defendants are collectively referred to as his "student loans" in this complaint.

7. Defendant, United States Department of Education (“DOE”), is the owner of all of Plaintiff’s outstanding student loans.

8. Defendant, Great Lakes Educational Loan Services (“Great Lakes”, is a non-profit corporation authorized to conduct business in Virginia. Great Lakes is the loan servicer for all of Plaintiff’s student loans.

FACTS

9. Plaintiff filed this bankruptcy case on October 27, 2022.

10. Plaintiff is 65 years of age.

11. Plaintiff attended Norther Virginia Community College (“NVCC”) from August 0f 2009 through January of 2012. The Plaintiff hoped to obtain a Degree in Economics but was ultimately unable to complete his course of studies.

12. To finance his education, Plaintiff borrowed a total of \$44,472.00 in federal student loans. No payment were due on these loans while Plaintiff was a student.

13. The current balance on these student loans is \$44,472.00.

14. Under the original terms of the student loans, Plaintiff was required to resume payments six months after the Plaintiff left school (around July 2012).

15. From 2012 until 2020, the Plaintiff made regular monthly payments on his student loans ranging from \$230.00 to \$280.00 per month.

16. In 2020, due to the COVID pandemic, the Plaintiff’s student loans were placed in deferment. Plaintiff’s student loans have remained in deferment until this time.

17. Plaintiff's student loans have never gone into default. The Plaintiff was diligent about making his student loan payment until they were placed in deferment.

18. Without obtaining a Degree in Economics, plaintiff has been unable to locate employment in this field.

19. Debtor is currently employed as a delivery driver for BMEE, a subcontractor that makes deliveries for Amazon. Debtors current income is approximately \$38,500.00 per year.

20. At age 65, it is the intention of the Plaintiff to retire in the next few years. Upon retirement, the Plaintiff's sole source of income will be social security.

21. Plaintiff cannot maintain a minimal standard of living of required to repay his student loans to Defendants.

22. Even if Plaintiff maintains his current employment, without retiring in the next few years, it would be impossible for him to pay off hi loan balance within the repayment term of the loan.

23. Plaintiff has made all reasonable efforts to maximize his income, despite not obtaining a Degree. Plaintiff's current ability to earn income and his age prevent him from being able to generate higher income now or in future.

CAUSE OF ACTION

26. Plaintiff incorporates the above allegations by reference.

27. Plaintiff has established that requiring him to repay his student loans would impose an undue hardship on the Plaintiff.

- Plaintiff cannot maintain a minimal standard of living for himself if forced to repay his student loans;
- Due to Plaintiff's age, health and ability to earn income in the future, Plaintiff's current financial situation is likely to continue during the repayment period;
- Plaintiff has made a good faith effort to repay his student loans.

WHEREFORE, Plaintiff requests:

1. An Order determining Plaintiff's debts to defendants as alleged above are Discharged pursuant to 11 U.S.C. Section 523(a)(8) because excepting Plaintiff's debts to Defendants from Discharge would impose an undue hardship on Plaintiff under the three-prong Brunner test;
2. For other equitable relief this Court may determine if fair and just.

Dated January 30, 2023

**Respectfully submitted,
/s/ Nathan Fisher
Nathan Fisher
Counsel for Plaintiff
Fisher-Sandler, LLC
3977 Chain Bridge Rd., #2
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VSB #37161
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